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| | | | |
|--|----------------------|------------------------|----------|
| TRANSMITTAL FORM | Application Number | 10/799,913 | |
| | Filing Date | March 12, 2004 | |
| | First Named Inventor | Newberg, et al. | |
| | Group Art Unit | 2661 | |
| | Examiner Name | Unassigned | |
| Total Number of Pages in this Submission | 16 | Attorney Docket Number | CM06187H |

| ENCLOSURES | | | (check all that apply) |
|---|--|--|------------------------|
| <input type="checkbox"/> Fee Transmittal Form | <input type="checkbox"/> Assignment Papers (for an Application) | <input type="checkbox"/> After Allowance Communication to Group | |
| <input type="checkbox"/> Fee Attached | <input type="checkbox"/> Drawing(s) | <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences | |
| <input type="checkbox"/> Amendment/Reply | <input type="checkbox"/> Licensing-Related papers | <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) | |
| <input type="checkbox"/> After Final | <input checked="" type="checkbox"/> Petition for Corrected Filing Receipt | <input type="checkbox"/> Proprietary Information | |
| <input type="checkbox"/> Affidavits/Declaration(s) | <input type="checkbox"/> Petition to Convert to a Provisional Application | <input type="checkbox"/> Status Letter with appropriate copies | |
| <input type="checkbox"/> Extension of time Request | <input type="checkbox"/> Power of Attorney, Revocation, Change of Correspondence Address | <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below) | |
| <input type="checkbox"/> Express Abandonment Request | <input type="checkbox"/> Terminal Disclaimer | <input checked="" type="checkbox"/> Copy of Executed Declaration with correct provisional application no. | |
| <input type="checkbox"/> Information Disclosure Statement | <input type="checkbox"/> Request for Refund | <input checked="" type="checkbox"/> Copy of Filing Receipt with change noted | |
| <input type="checkbox"/> Certified Copy of Priority Documents | <input type="checkbox"/> CD, Number of CDs | | |
| <input type="checkbox"/> Response to Missing Parts/ Incomplete Application | Remarks | | |
| <input type="checkbox"/> Response to Missing Parts Under 37 CFR 1.52 or 1.53 | | | |

| SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT | | | |
|--|----------------------|------------------|--------|
| Firm or Individual | Indira Saladi | Registration No. | 45,479 |
| Signature | <i>Indira Saladi</i> | | |
| Date | June 23, 2004 | | |

| CERTIFICATE OF MAILING | | | |
|---|-------------------------|------|---------------|
| I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage thereon, as first-class mail, in an envelope addressed to: commissioner for Patents, Alexandria, VA 20313 on this date | | | |
| Typed or printed name | Sheila Mannerino | | |
| Signature | <i>Sheila Mannerino</i> | Date | June 23, 2004 |



DOCKET NO.: CM06187H

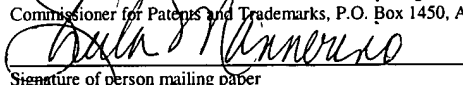
UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANT: Newberg, et al.
SERIAL NO.: 10/799,913
FILED: March 12, 2004
GROUP ART UNIT: 2661
TITLE: METHOD FOR SELECTIVELY ALLOCATING A LIMITED
NUMBER OF BITS TO SUPPORT MULTIPLE SIGNALING
TYPES ON A LOW BIT RATE CHANNEL

CERTIFICATE OF MAILING OR TRANSMISSION

Date of Deposit: June 23, 2004

I hereby certify that this paper is being deposited with the United States Postal Service on the date indicated above as first-class mail with sufficient postage thereon, in an envelope addressed to the Commissioner for Patents and Trademarks, P.O. Box 1450, Alexandria, VA 22313.


Signature of person mailing paper

Sheila Mannerino
Name of person mailing paper

PETITION UNDER 37 C.F.R. 1.182

Office of Initial Patent Examinations
Filing Receipt Corrections
P.O. Box 1450
Alexandria, VA 22313

Sir:

Applicant petitions the Office of the Deputy Commissioner for Patents to issue a 'corrected' filing receipt in the subject application. In support thereof, Applicant states:

The filing receipt shows 2 provisional applications, 60/474,533 dated 05/30/2003 and 60/474,568 dated 05/30/2003, to which Motorola claims domestic priority. **Motorola only claims priority for this application to provisional application number 60/474,533 dated 05/30/2003.**

Please correct the filing receipt to reflect the correct, single provisional application number of 60/474,533, to which domestic priority is claimed. A copy of the Combined Declaration and Power of Attorney in the above-identified application is attached, listing the correct provisional application number, along with a copy of the Filing Receipt with the change noted thereon.

No fee is due since the error was not that of Applicant. Accordingly, please issue a corrected filing receipt incorporating this change.

Respectfully submitted,

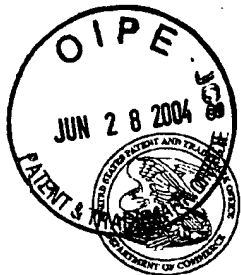
SEND CORRESPONDENCE TO:

Customer No. 22917
Intellectual Property Section
Law Department

By: 

Indira Saladi
Attorney of Record
Reg. No.: 45,479

Telephone: 847.576.6735
Fax No.: 847.576.0721



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPL NO. | FILING OR 371 (C) DATE | ART UNIT | FIL FEE REC'D | ATTY. DOCKET NO | DRAWINGS | TOT CLMS | IND CLMS |
|------------|---------------------------|----------|---------------|-----------------|----------|----------|----------|
| 10/799,913 | 03/12/2004 | 2661 | 806 | CM06187H | 11 | 22 | 2 |

CONFIRMATION NO. 8294

22917
MOTOROLA, INC.
1303 EAST ALGONQUIN ROAD
IL01/3RD
SCHAUMBURG, IL 60196

FILING RECEIPT



OC000000012828611

JUN - 7 REC'D

PATENT DEPT
U.S. DOCKETING

Date Mailed: 06/01/2004

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s):

Donald G. Newberg, Hoffman Estates, IL;
Robert A. Biggs, Evanston, IL;
Bradley M. Hiben, Glen Ellyn, IL;
David L. Muri, Sunrise, FL;
Darrell J. Stogner, Plantation, FL;
Alan L. Wilson, Long Grove, IL;

Domestic Priority data as claimed by applicant

This appln claims benefit of 60/474,533 05/30/2003
~~and claims benefit of 60/474,568 05/30/2003~~

Foreign Applications

If Required, Foreign Filing License Granted: 05/29/2004

Projected Publication Date: To Be Determined - pending completion of Corrected Papers

Non-Publication Request: No

Early Publication Request: No



COPY

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**DECLARATION FOR UTILITY OR
DESIGN PATENT APPLICATION
(37 CFR 1.63)
COMBINED WITH POWER OF
ATTORNEY**

☒ Declaration
Submitted With
Initial Filing

OR

☐ Declaration
Submitted after Initial
Filing (surcharge (37
CFR 1.16 (e)) required)

Attorney Docket
Number

CM06187H

First Named Inventor

Donald G. Newberg

COMPLETE IF KNOWN

Application Number

N/A

Filing Date

March 12, 2004

Group Art Unit

N/A

Examiner Name

N/A

I hereby declare that:

Each inventor's residence, mailing address, and citizenship are as stated below next to their name.

I believe the inventor(s) named below to be the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**METHOD FOR SELECTIVELY ALLOCATING A LIMITED NUMBER OF BITS TO SUPPORT
MULTIPLE SIGNALING TYPES ON A LOW BIT RATE CHANNEL**

the specification of which:

☒ is attached hereto

OR

☐ was filed on: (MM/DD/YYYY) _____ as United States Application Number or PCT International
Application Number _____ and was amended on (MM/DD/YYYY) _____ (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the patentability as defined in 37 CFR 1.56, including continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent, inventor's or plant breeder's rights certificate(s), or any PCT international application having a filing date before that of the application on which priority is claimed.

| Prior Foreign Application Number(s) | Country | Foreign Filing Date (MM/DD/YYYY) | Priority Not Claimed | Certified Copy Attached? |
|--|---------|-------------------------------------|--------------------------|--|
| | | | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| | | | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |

☐ Additional foreign application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto.

I hereby claim the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below:

| | |
|--------------------------------------|--------------|
| Provisional Application Serial No.: | 60/474,533 |
| Provisional Application Filing Date: | May 30, 2003 |

I hereby claim the priority benefit under Title 35, United States Code, Section 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, Section 1.56(a) which is material to the patentability of this application and which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

Prior U.S. Application(s):

- ☒ no such application(s) filed
☐ such application(s) identified as follows:

| Application No. | Filing Date (MM/DD/YYYYr) | Status (Patented, Pending, Abandoned) |
|-----------------|------------------------------|--|
| | | |
| | | |

I hereby declare that: as to any claimed subject matter of this application which is common to my earlier United States or foreign application(s), if any, which I have identified above and claimed the benefit of priority thereof, I do not believe that the same was ever known or used in the United States before my invention thereof or patented or described in any printed publication in any country before my invention thereof or more than one year prior to the first of said earlier application(s), or in public use or on sale in the United States more than one year prior to the first of said earlier application(s), and that the said common subject matter has not been patented or made the subject of an inventor's certificate before the date of the first of said earlier U.S. application(s) in any country foreign to the United States on an application, filed by me or my legal representatives or assigns more than twelve months (six months if the present application is a Design patent application) prior to the first of said earlier U.S. application(s), if any; and that, as to any claimed subject matter of this application which is not common to said earlier application(s), if any, I do not know and do not believe that the same was ever known or used in the United States before my invention thereof or patented or described in any printed publication in any country before my invention thereof or more than one year prior to the date of this application, or in public use or on sale in the United States more than one year prior to the date of this application, and that said subject matter has not been patented or made the subject of an inventor's certificate in any country foreign to the United States on an application filed by me or my legal representatives or assigns more than twelve months (six months if the present application is a Design patent application) prior to the date of this application.

I hereby appoint the attorney(s) or agent(s) associated with: 22917 to prosecute this application and transact all business in the patent and trademark office connected therewith.

Address all correspondence to: **Customer Number** 22917

Attorney/Agent Name: Terri S. Hughes
 Telephone: (847) 576-0741
 Facsimile: (847) 576-0721

C

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I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

☐ A petition has been filed for this unsigned inventor.

Full Name of Sole or First Inventor: Donald G. Newberg

Donald G. Newberg 3/12/04
Inventor's Signature Date

Residence: Hoffman Estates IL 60195 USA
City State Postal Code Country of Citizenship

4240 Haman Avenue
Mailing Address

Hoffman Estates IL 60195 USA
City State Postal Code Country

☐ A petition has been filed for this unsigned inventor.

Full Name of Second-Joint Inventor: Robert A. Biggs

Robert A. Biggs 3/11/04
Inventor's Signature Date

Residence: Evanston IL 60201 United Kingdom
City State Postal Code Country of Citizenship

2201 Pioneer Road
Mailing Address

Evanston IL 60201 USA
City State Postal Code Country

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☐ A petition has been filed for this unsigned inventor.

Full Name of Third-Joint Inventor: Bradley M. Hiben

Bradley M. Hiben 3/12/2004
Inventor's Signature Date

Residence: Glen Ellyn IL 60137 USA
City State Postal Code Country of Citizenship

437 Hill Avenue
Mailing Address

Glen Ellyn IL 60137 USA
City State Postal Code Country

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☐ A petition has been filed for this unsigned inventor.

Full Name of Fourth-Joint Inventor: David L. Muri

| | | | | |
|---|------------------------|--------------------|-----------------------------|--------------------------------------|
| _____ Inventor's Signature | | | _____ Date | |
| Residence: | <u>Sunrise</u> City | <u>FL</u> State | <u>33322</u> Postal Code | <u>USA</u> Country of Citizenship |
| <u>2355 NW 110th Terrace</u> Mailing Address | | | | |
| | <u>Sunrise</u> City | <u>FL</u> State | <u>33322</u> Postal Code | <u>USA</u> Country |

☐ A petition has been filed for this unsigned inventor.

Full Name of Fifth-Joint Inventor: Darrell J. Stogner

| | | | | |
|--|---------------------------|--------------------|-----------------------------|--------------------------------------|
| _____ Inventor's Signature | | | _____ Date | |
| Residence: | <u>Plantation</u> City | <u>FL</u> State | <u>33322</u> Postal Code | <u>USA</u> Country of Citizenship |
| <u>1870 NW 107th Avenue</u> Mailing Address | | | | |
| | <u>Plantation</u> City | <u>FL</u> State | <u>33322</u> Postal Code | <u>USA</u> Country |

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☐ A petition has been filed for this unsigned inventor.

Full Name of Sixth-Joint Inventor: Alan L. Wilson

Alan L. Wilson 12-March-2009
Inventor's Signature Date

Residence: Long Grove IL 60047 USA
City State Postal Code Country of Citizenship

3726 RFD

Mailing Address

Long Grove IL 60047 USA
City State Postal Code Country



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**DECLARATION FOR UTILITY OR
DESIGN PATENT APPLICATION
(37 CFR 1.63)
COMBINED WITH POWER OF
ATTORNEY**

☒ Declaration
Submitted With
Initial Filing

OR

☐ Declaration
Submitted after Initial
Filing (surcharge (37
CFR 1.16 (e)) required)

Attorney Docket
Number

CM06187H

First Named Inventor

Donald G. Newberg

COMPLETE IF KNOWN

Application Number

N/A

Filing Date

March 12, 2004

Group Art Unit

N/A

Examiner Name

N/A

I hereby declare that:

Each inventor's residence, mailing address, and citizenship are as stated below next to their name.

I believe the inventor(s) named below to be the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**METHOD FOR SELECTIVELY ALLOCATING A LIMITED NUMBER OF BITS TO SUPPORT
MULTIPLE SIGNALING TYPES ON A LOW BIT RATE CHANNEL**

the specification of which:

☒ is attached hereto

OR

☐ was filed on: (MM/DD/YYYY) _____ as United States Application Number or PCT International
Application Number _____ and was amended on (MM/DD/YYYY) _____ (if applicable).

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the patentability as defined in 37 CFR 1.56, including continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent, inventor's or plant breeder's rights certificate(s), or any PCT international application having a filing date before that of the application on which priority is claimed.

| Prior Foreign Application Number(s) | Country | Foreign Filing Date (MM/DD/YYYY) | Priority Not Claimed | Certified Copy Attached? |
|--|---------|-------------------------------------|--------------------------|--|
| | | | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |
| | | | <input type="checkbox"/> | <input type="checkbox"/> Yes <input type="checkbox"/> No |

☐ Additional foreign application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto.

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I hereby claim the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below:

| | |
|--------------------------------------|--------------|
| Provisional Application Serial No.: | 60/474,533 |
| Provisional Application Filing Date: | May 30, 2003 |

I hereby claim the priority benefit under Title 35, United States Code, Section 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code, Section 112, I acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, Section 1.56(a) which is material to the patentability of this application and which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

Prior U.S. Application(s):

☒ no such application(s) filed
☐ such application(s) identified as follows:

| Application No. | Filing Date (MM/DD/YYYYr) | Status (Patented, Pending, Abandoned) |
|-----------------|------------------------------|--|
| | | |
| | | |

I hereby declare that: as to any claimed subject matter of this application which is common to my earlier United States or foreign application(s), if any, which I have identified above and claimed the benefit of priority thereof, I do not believe that the same was ever known or used in the United States before my invention thereof or patented or described in any printed publication in any country before my invention thereof or more than one year prior to the first of said earlier application(s), or in public use or on sale in the United States more than one year prior to the first of said earlier application(s), and that the said common subject matter has not been patented or made the subject of an inventor's certificate before the date of the first of said earlier U.S. application(s) in any country foreign to the United States on an application, filed by me or my legal representatives or assigns more than twelve months (six months if the present application is a Design patent application) prior to the first of said earlier U.S. application(s), if any; and that, as to any claimed subject matter of this application which is not common to said earlier application(s), if any, I do not know and do not believe that the same was ever known or used in the United States before my invention thereof or patented or described in any printed publication in any country before my invention thereof or more than one year prior to the date of this application, or in public use or on sale in the United States more than one year prior to the date of this application, and that said subject matter has not been patented or made the subject of an inventor's certificate in any country foreign to the United States on an application filed by me or my legal representatives or assigns more than twelve months (six months if the present application is a Design patent application) prior to the date of this application.

I hereby appoint the attorney(s) or agent(s) associated with: 22917 to prosecute this application and transact all business in the patent and trademark office connected therewith.

Address all correspondence to: **Customer Number 22917**

Attorney/Agent Name: Terri S. Hughes
 Telephone: (847) 576-0741
 Facsimile: (847) 576-0721

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

☐ A petition has been filed for this unsigned inventor.

Full Name of Sole or First Inventor: Donald G. Newberg

| Inventor's Signature | | | Date | |
|---|--------------------------------|--------------------|-----------------------------|--------------------------------------|
| Residence: | <u>Hoffman Estates</u> City | <u>IL</u> State | <u>60195</u> Postal Code | <u>USA</u> Country of Citizenship |
| <u>4240 Haman Avenue</u> Mailing Address | | | | |
| | <u>Hoffman Estates</u> City | <u>IL</u> State | <u>60195</u> Postal Code | <u>USA</u> Country |

☐ A petition has been filed for this unsigned inventor.

Full Name of Second-Joint Inventor: Robert A. Biggs

| Inventor's Signature | | | Date | |
|---|-------------------------|--------------------|-----------------------------|---|
| Residence: | <u>Evanston</u> City | <u>IL</u> State | <u>60201</u> Postal Code | <u>United Kingdom</u> Country of Citizenship |
| <u>2201 Pioneer Road</u> Mailing Address | | | | |
| | <u>Evanston</u> City | <u>IL</u> State | <u>60201</u> Postal Code | <u>USA</u> Country |

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☐ A petition has been filed for this unsigned inventor.

Full Name of Third-Joint Inventor: Bradley M. Hiben

| Inventor's Signature | | | Date | |
|----------------------|-------------------|-----------|--------------|------------------------|
| <hr/> | | | | |
| Residence: | <u>Glen Ellyn</u> | <u>IL</u> | <u>60137</u> | <u>USA</u> |
| | City | State | Postal Code | Country of Citizenship |

437 Hill Avenue

Mailing Address

| | | | |
|-------------------|-----------|--------------|------------|
| <u>Glen Ellyn</u> | <u>IL</u> | <u>60137</u> | <u>USA</u> |
| City | State | Postal Code | Country |

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☐ A petition has been filed for this unsigned inventor.

Full Name of Fourth-Joint Inventor: David L. Muri

David L. Muri

Inventor's Signature

3/11/2004

Date

Residence: Sunrise FL 33322 USA
City State Postal Code Country of Citizenship

2355 NW 110th Terrace

Mailing Address

Sunrise FL 33322 USA
City State Postal Code Country

☐ A petition has been filed for this unsigned inventor.

Full Name of Fifth-Joint Inventor: Darrell J. Stogner

Darrell J. Stogner

Inventor's Signature

3/11/2004

Date

Residence: Plantation FL 33322 USA
City State Postal Code Country of Citizenship

1870 NW 107th Avenue

Mailing Address

Plantation FL 33322 USA
City State Postal Code Country

C C
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☐ A petition has been filed for this unsigned inventor.

Full Name of Sixth-Joint Inventor: Alan L. Wilson

| Inventor's Signature | | | Date | |
|----------------------|-------------------|--------------|--------------|------------------------|
| <hr/> | | | | |
| Residence: | <u>Long Grove</u> | <u>IL</u> | <u>60047</u> | <u>USA</u> |
| | City | State | Postal Code | Country of Citizenship |
| <hr/> | | | | |
| <u>3726 RFD</u> | | | | |
| <hr/> | | | | |
| Mailing Address | | | | |
| <hr/> | | | | |
| <u>Long Grove</u> | <u>IL</u> | <u>60047</u> | <u>USA</u> | |
| City | State | Postal Code | Country | |